

**Before the  
STATE OF UTAH  
PUBLIC SERVICE COMMISSION**

<b>In the Matter of</b>	)	
	)	
<b>Application of Maskina Communications, Inc. f/k/a Transcom Communications, Inc.</b>	)	<b>Docket No.</b> _____
	)	
<b>for Authority to Provide Facilities-Based Interexchange Telecommunications Services in the State of Utah</b>	)	

**APPLICATION.**

Maskina Communications, Inc.<sup>1</sup> f/k/a Transcom Communications, Inc. (“Applicant”, “Company” or “Maskina”), by its attorneys and pursuant to Title 54, Chapter 8b, Section 2.1 of the Public Telecommunications Law, as set forth in the Utah Code, to R746-349-3 of the Commission’s Administrative Rules and all other applicable Rules and Regulations of the Utah Public Service Commission (“Commission”), respectfully requests that the Commission grant it a Certificate of Public Convenience and Necessity to provide facilities-based interexchange telecommunications services in the State of Utah. In support thereof, Applicant provides the following information:

**I. Identification of the Applicant**

1. Applicant’s full name is Maskina Communications, Inc. The Company is headquartered at 8445 Freeport Pkwy., Suite 850, Irving, Texas 75063. Applicant’s

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<sup>1</sup> Maskina initially operated under the name Transcom Communications, Inc. The Company is currently applying to amend its Utah foreign corporate registration to reflect its change of name. A copy of its complete amended corporate documents will be submitted as soon as they become available.

principal officers, located at the same address, are:

Chris Yeoh    Director, President and Treasurer

Kjetil Bohn    Director and Secretary

2.        Maskina was incorporated under Texas law on May 4, 1999. A copy of Applicant's Articles of Incorporation and the amendments thereto are appended hereto as ***Exhibit A***. Applicant is qualified (under its original name, Transcom Communications, Inc.) to conduct business within the State of Utah as a foreign corporation. A Department of Commerce printout indicating that the Company holds active status in Utah is appended as ***Exhibit B***. As explained above, Applicant is currently arranging to update its Utah corporate documents to reflect the Company's changed name. A copy of these complete amended qualifications will be submitted as soon as they are available.

3.        Currently, Maskina holds resold interexchange authorizations (or the equivalent) in 43 states. Maskina is also authorized by the Federal Communications Commission to provide domestic interstate and international telecommunications services.

## **II.    Designated Contacts**

4.        The designated contact for this application is:

Winafred Brantl  
KELLEY, DRYE AND WARREN, LLP  
3050 K Street NW, Suite 400  
Washington, D.C. 20007  
Telephone: (202) 342-8819  
Facsimile: (202) 342-8451  
[wbrantl@kelleydrye.com](mailto:wbrantl@kelleydrye.com)

5. Copies of all correspondence, notices, inquiries and orders in relation to this Application also should be sent to the following person:

Bhavna Patel, Controller  
Maskina Communications, Inc.  
8445 Freeport Parkway, Suite 650  
Irving, Texas 75063  
Tel. (972) 607-4761  
Fax (972) 929-2840  
[Bhavna.patel@us.maskina.com](mailto:Bhavna.patel@us.maskina.com)

6. All correspondence, notices and inquiries regarding all (1) consumer complaints, (2) technical and service quality, and (3) tariff and pricing issues should be sent to:

Bhavna Patel, Controller  
Maskina Communications, Inc.  
8445 Freeport Parkway, Suite 650  
Irving, Texas 75063  
Tel. (972) 607-4761  
Fax (972) 929-2840  
[Bhavna.patel@us.maskina.com](mailto:Bhavna.patel@us.maskina.com)

7. Maskina's registered agent in Utah is:

TCS CORPORATE SERVICES, INC  
50 W 3900 S STE 2B  
Salt Lake City, UT 84107

### **III. Description of Network and Authority Requested**

8. By this Application, Maskina seeks authority to provide interexchange telecommunications services as a facilities-based carrier in the State of Utah. The Applicant plans to offer a suite of interexchange and long distance services on both a switched and a non-switched basis in order to serve as an underlying carrier to other carriers on an interstate and intrastate basis. Initially, the Company intends to provide its facilities-based interexchange telecommunications services to other carriers only;

however, in the future, Maskina may provide facilities-based interexchange services directly to end users. Accordingly, Maskina is requesting the Commission for authority to provide a full range of facilities-based interexchange services.

9. With respect to facilities, the Company initially intends offer its switched services via switches it has obtained outside of the State of Utah. In addition, Maskina may provision transport facilities from other carriers to augment its own facilities. Maskina does not currently intend to install its own facilities within the State of Utah, however it may do so in the future should market conditions warrant.

10. With respect to geographic coverage area for its intended services, Maskina requests authority to operate as a facilities-based interexchange carrier on a statewide basis.

#### **IV. Qualifications of the Applicant**

11. As demonstrated herein, Maskina is well-qualified managerially, technically and financially to provide the competitive interexchange telecommunications services for which authority is requested in this Application.

12. Applicant's management team includes individuals with substantive experience in successfully developing and operating telecommunications businesses. Consequentially, the company has the adequate internal technical resources to support its Utah operations. This expertise in the telecommunications industry makes Applicant's management team well-qualified to operate its interexchange operations in Utah. Specific details of the business and technical experience of Maskina's officers and management personnel are attached as *Exhibit C*.

13. As is evident from the information contained in *Exhibit C*, Applicant is managed by persons with substantial technical expertise in operating telecommunications networks. This wealth of expertise will enable Maskina to provide its interexchange customers with advanced, state-of-the-art technology, for its telecommunications services.

14. Applicant is financially qualified to provide telecommunications services in Utah. Maskina's parent company, Vyke Communications plc, is a publicly traded company and provides financial support to Maskina. Appended hereto as *Exhibit D*, please find the consolidated financial statements of Vyke Communications plc which are publicly available at [www.londonstockexchange.com](http://www.londonstockexchange.com). Please also find appended as well the unaudited year-end balance sheets and income statements for Maskina for the years 2005 through 2007. Finally, pursuant to R746-349-3(A)(9), this exhibit includes a copy of the Company's Chart of Accounts. These financial statements illustrate the financial capability of Maskina to provide the telecommunications services requested in this Application.

## **V. Proposed Utah Operations**

15. Maskina proposes to commence facilities-based interexchange operations in Utah by late 2008, subject to a grant of authority by the Commission.

16. The Company currently has no employees located in Utah. Future in-state personnel placement will depend upon the Company's success in the competitive Utah wholesale marketplace; however, the entire management team will be involved in start-up operations in Utah.

17. The Company operates from a point of presence in Dallas, Texas, as well as strategically located leased network operations centers, expertly staffed to provide highly secure enterprise-class data center facilities. As noted above, Maskina does not intend to install its own facilities in Utah within the near-term future; however, this plan may change depending upon market response to the Company's service offerings.

18. Applicant will bill all of its customers directly. Maskina does not intend to utilize a billing agent in issuing bills for services rendered to its carrier-customers or end users. Applicant will not use a "billing clearinghouse" or other outside entity to issue bills to its customers. All bills sent to Maskina's customers will bear the Company's name and provide a toll-free number for customer inquiries and complaints.

19. Maskina has a toll free number available for its customers to contact the Company with billing and service related issues: 1-866-711-5877. Customers may contact the Company with billing related issues twenty four (24) hours a day, seven (7) days a week by using this toll free number.

20. A proposed Tariff, outlining Maskina's wholesale interexchange service offerings is attached as *Exhibit E*.

21. Maskina does not engage in the unauthorized switching of customers' service ("slamming"). [R746-349-3(17)] The Company will not be providing local exchange service in Utah and consequently will not be at risk for unauthorized switching of Utah local service. [R746-349-3(18)] As a wholesale provider, Maskina expects to be negotiating direct individual arrangements with its carrier-customers, which distances the Company even further from the circumstances in which slamming may occur. The Company will fully document its customer sign-ups, consistent with applicable state and federal law, to ensure that all resulting provider changes are authorized.

## V. Requested Regulatory Treatment

22. Applicant hereby agrees to abide by all applicable statutes and all applicable Orders, Rules, and regulations entered and adopted by the Commission. As a competitive provider of telecommunications services in Utah, Applicant respectfully requests that it be subject to the same streamlined regulatory treatment applicable to other competitive carriers. Specifically, Maskina requests that the Commission grant it such exemptions and waivers from provisions of the Utah Code and the Commission's Administrative Rules as have been regularly granted to similarly situated applicants. These provisions include (but are not necessarily limited to):

Title 54 of the Utah Code:

Section 54-3-8 and 54-3-19 (Prohibitions of discrimination)

Section 54-7-12 (Rate increases or decreases)

Section 54.4-21 (Establishment of property values)

Section 42-4-24 (Depreciation rates)

Section 54-4-26 (Approval of expenditures); and

The Commission's Administrative Rules:

R746-340-2(D) (Uniform Systems of Accounts -- (47 CFR 32)--);

R7460340-2(E)(1) (Tariff filings required);

R746-340-2(E)(2) (Exchange Maps);

R746-341 (Lifeline)

R746-344 (Rate case filing requirements)

R746-401 (Reporting of construction, acquisition and disposition of assets)

R746-405 (Tariff formats)

R746-600 (Accounting for post-retirement benefits).

23. Maskina further requests that the Commission grant it a waiver of the bond requirement stated in R746-349-3(A)(2). The Company does not intend to collect deposits or even advance payments from its customers and will not be providing prepaid services to its customers. Consequently, the Company believes that the underlying concerns which give rise to the bond requirement<sup>2</sup> are not applicable in this case.

## **VI. Public Interest**

24. A decision by the Commission to grant Applicant authority to provide interexchange telecommunications services is in the public interest. Applicant is well qualified to operate as such a service provider in Utah. Consumers of competitive telecommunications services in Utah, including other carriers, will receive the benefits of downward pressure on prices, increased choice, improved quality of service and customer responsiveness, innovative service offerings, and access to increasingly advanced telecommunications technology. The market incentives for new and existing providers of telecommunications services can only be improved through an increase in the diversity of suppliers and competition within the interexchange telecommunications market. Consequently, granting Maskina's application will unmistakably accrue to the benefit of Utah consumers as they experience the benefits described above.

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<sup>2</sup> "This bond is to provide security for customer deposits or other liabilities to telecommunications customers of the telecommunications corporation." R746-349-3(A)(2).





# **EXHIBIT A**

## **ARTICLES OF INCORPORATION**

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## **EXHIBIT B**

### **QUALIFICATION TO DO BUSINESS**

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**Department of Commerce Website Printout appended.  
Complete amended corporate qualification documents  
will be late-filed as soon as the Company's name change filing is completed.**

# **EXHIBIT C**

## **MANAGEMENT BIOGRAPHIES**

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# **EXHIBIT D**

## **FINANCIAL STATEMENTS**

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**Vyke Communications plc Financial Statements**

**Maskina 2005-2007 Financial Statements**

**Maskina Chart of Accounts**

# **EXHIBIT E**

## **PROPOSED TARIFF**

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